

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

Hon. Katharine S. Hayden

Crim. No. 07-403 (KSH)

v.

CONTINUANCE ORDER

JERRY SERRANO,
a/k/a "Jay," and
PABLO FIGUEROA,
a/k/a "Pablito,"

This matter having come before the Court on the joint application of Christopher J. Christie, United States Attorney for the District of New Jersey (by David E. Malagold, Assistant U.S. Attorney), and defendants Jerry Serrano (by Sam Deluca, Esq.) and Pablo Figueroa (by Peter Carter, Esq.) for an order granting a continuance of the proceedings in the above-captioned matter, and each defendant being aware he has the right to have the matter brought to trial within 70 days of the date of the indictment pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has requested and consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

- i. Plea negotiations regarding a possible disposition are currently in progress, and both the United States and the defendant desire additional time to meet and confer regarding a disposition, which would render trial of this matter unnecessary and save judicial resources;
- ii. This case involves a large amount of discovery, including hundreds of intercepted conversations;
- iii. Counsel for the defendants will need additional time to review the conversations and prepare for trial. Defendant Serrano has recently hired new counsel who will

- need additional time to prepare;
- iv. Defendants have consented to and requested the aforementioned continuance;
 - v. Pursuant to Title 18 of the United States Code, Section 3161(h)(8)(A), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial;
 - vi. Pursuant to Title 18 of the United States Code, Section 3161(h)(8)(B)(i), failure to grant this continuance would result in a miscarriage of justice;
 - viii. Pursuant to Title 18 of the United States Code, Section 3161(h)(8)(B)(iv), failure to grant this continuance would deny the counsel for the defendant and the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

WHEREFORE, on this 16th day of June, 2008.

IT IS ORDERED that trial in this matter is continued from June 9, 2008 to August 11, 2008;

IT IS FURTHER ORDERED that the period from June 9, 2008 through August 11, 2008, inclusive, shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18, United States Code, Section 3161(h)(8);

Pretrial motions shall be filed by July 21, 2008, 2008.

Opposition due July 28, 2008.

Motions hearing date set for August 4, 2008.

Nothing in this order shall preclude a finding that additional periods of time are excludable pursuant to the Speedy Trial Act of 1974.

/s/ Katharine S. Hayden
HON. KATHARINE S. HAYDEN
United States District Judge